

JOHN V. DIEPENBROCK, SBN 023963
JEFFREY L. ANDERSON, SBN 157982
CHRIS A. McCANDLESS, SBN 210085
DIEPENBROCK HARRISON
A Professional Corporation
400 Capitol Mall, Suite 1800
Sacramento, CA 95814-4413
Telephone: (916) 492-5000
Facsimile: (916) 446-4535

G. DAVID ROBERTSON, SBN 111984
ROBERTSON & BENEVENTO
50 West Liberty Street, Suite 600
Reno, Nevada 89501
Telephone: (775) 329-5600

Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

On November 16, 2006, this Honorable Court entered its ORDER RE: SETTLEMENT AND DISPOSITION (Docket #670) noting that this action had been settled and requiring the parties to file all dispositional documents on or before December 10, 2006 pursuant to Local Rule 16-160 (“Order”). Thereafter, the parties worked diligently to prepare the appropriate settlement

1 documentation and ultimately submitted same to the Court on November 28, 2006. This
2 Honorable Court then issued its ORDER RE: DEPOSIT WITHDRAWAL on November 30,
3 2006 (Docket #676) requiring the California State Treasury to pay the deposited amount of
4 \$9,150,000 ("Payment") to Integrated Farms, and further requiring Integrated Farms to file the
5 Acknowledgment of Receipt of Compensation with the Final Order of Compensation within 24
6 hours of receiving said Payment. The California State Treasury, following its internal procedural
7 rules, issued a "warrant" for the Payment on December 4, 2006, which, although immediately
8 deposited, takes ten (10) days to "clear" the State Treasury's Deposit Account, so Integrated
9 Farms will not actually receive its funds until Thursday, December 14, 2006.

10 While the parties have proceeded as diligently as possible, the State Treasury's ten (10)
11 day waiting period to clear the funds has delayed the process and will therefore prevent the parties
12 from filing the Acknowledgment of Receipt of Compensation with the Final Order of
13 Compensation on or before December 10, 2006. It is anticipated that the funds will not be
14 "cleared" by the State Treasury (and thus "received" by Integrated Farms) until at least December
15 14, 2006, and therefore the parties will not be able to file the final dispositional documents until
16 after the Court's present deadline.

17 Local Rule 16-160(b) states that the Court shall fix the date for filing dispositional
18 documents following a settlement, which the Court has done here pursuant to its Order. The Rule
19 further states, however, that the Court may extend such date "on good cause shown." *Id.* It is
20 respectfully submitted that the State Treasury's unusual procedure of refusing to issue a check for
21 the Payment - instead issuing a "warrant" requiring a ten (10) day delay - represents "good cause"
22 for the parties to request a twelve (12) day extension of the Court's previous deadline to file the
23 dispositional documents. The parties have worked together diligently and in good faith to file the
24 dispositional documents by the Court's deadline, but the parties could not overcome the State
25 Treasury's rigid rules requiring that the release of all condemnation proceeds occur only by a
26 warrant. The parties seek twelve (12) days rather than a shorter time in order to avoid bothering
27 again the Court should a few extra days be needed.

1 It is therefore stipulated by and between the parties that they shall have an additional
2 twelve (12) days, i.e., until December 22, 2006, in which to file the dispositional documents.

3 Dated: December 9, 2006

4 DIEPENBROCK HARRISON
5 A Professional Corporation

6 ROBERTSON & BENEVENTO

7 By: /s/ G. David Robertson
8 G. DAVID ROBERTSON
9 JOHN V. DIEPENBROCK
10 Attorneys for Integrated Farms, LLC

11 Dated: December 9, 2006

12 HATCH & PARENT
13 A Professional Corporation

14 By: /s/ Robin L. Lewis
15 ROBIN L. LEWIS
16 Attorneys for South Tahoe Public Utility
17 District

18 **ORDER**

19 Upon the foregoing stipulation by the parties, and good cause appearing,
20
21 **IT IS SO ORDERED** that the parties shall have an additional twelve (12) days, i.e., until
22 December 22, 2006, in which to file the dispositional documents

23 DATED: December 12, 2006

24
25 
26 MORRISON C. ENGLAND, JR
27 UNITED STATES DISTRICT JUDGE